

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:10CR3103 |
| |) | |
| v. |) | |
| |) | MEMORANDUM AND ORDER |
| ERICA GARCIA, |) | |
| |) | |
| Defendant. |) | |

The defendant has orally requested to set a change of plea hearing and to reset the competency hearing. With the parties' consent,

IT IS ORDERED that:

1. The defendant's request to reset the competency hearing is granted. The hearing is scheduled before Magistrate Judge Zwart on the 1st day of July, 2011, at 1:30 p.m., in Courtroom No. 2, United State Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
2. The United States Marshal shall forthwith, without delay, transport the defendant to Nebraska in accordance with this order, at no cost to the defendant. The Marshal shall ensure the defendant receives all currently prescribed medications during her transport to Nebraska.
3. The defendant's request to set a change of plea hearing is granted, and the hearing on the defendant's anticipated plea of guilty is scheduled before Magistrate Judge Zwart on the 1st day of July, 2011, at the hour of 1:30 p.m., in Courtroom No. 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
4. The defendant, her counsel, and counsel for the government shall appear at the competency and plea hearings.
5. On or before the date set for the plea proceeding, counsel for plaintiff and for defendant shall provide to the assigned probation officer their respective versions of the offense for purposes of preparing the presentence investigation report.

5. The time between today's date and the anticipated plea of guilty shall be deemed excluded in any computation of time under the requirements of the Speedy Trial Act, for the reason that the court needs time to consider and determine the defendant's competence, defendant's counsel requires time to confer with the defendant upon her return to Nebraska and prepare for a plea hearing, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7).

DATED this 10th day of June, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge